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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,617	06/30/2000	Scott D Smyers	SONY-12100	9459

28960 7590 10/08/2003

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 10/08/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/608,617

Applicant(s)

SMYERS ET AL.

Examiner

Marc R Filipczyk

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 19-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 19-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>13</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This action is responsive to Applicant's response filed on June 16, 2003 (paper # 12).

The information disclosure statement (IDS) received on 3/10/2003 has been noted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 19-26, 29-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Traw et al. (U.S. Patent No. 6,012,117).

Regarding claims 1, 6 AAPA discloses a method of writing data to a media storage device comprising: (figure 2, items 28 and 30, AAPA)

a packet of data to be written to the media storage device; (fig. 4A, *Source Packets*)

adding a header to the received packet of data thereby forming an extended packet of data; (fig. 4A, items 68-71; *Headers Added*) and

storing the extended packet of data onto a media within the media storage device (fig. 2, items 24, 26, 28 and 30).

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AAPA further discloses a bus interface circuit (fig. 2, block 22, AAPA) that formats data to IEEE requirements and sends data to other devices, but does not expressly teach receiving a pocket of data.

However, Traw discloses a system/method for controlling arbitration for access to a serial bus (title, Traw) wherein packets of data are received (fig. 2, 206, Traw). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive pockets of data in the AAPA system via the bus interface circuit (fig. 2, block 22, AAPA) as done in Traw system to access and receive data from other devices and applications.

(Note: hardware media interface is equivalent to interface circuit)

Regarding claim 2, AAPA and Traw teach a cycle control along with packet transmitter and receiver (fig. 2, block 206, Traw). A cycle controller uses values to keep track of data.

Regarding claims 3 and 4, AAPA and Traw teach received packet of data is an isochronous packet of data received (fig. 4A, item 76, AAPA) over isochronous channels (fig. 2, *Isochronous Channels*).

Regarding claim 5, AAPA and Traw teach adding a header to the received packet of data is performed by an embedded stream processor within a storage device (col. 4, lines 63-66, Traw).

(Note: CPU with encoding/decoding functions is an embedded stream processor)

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Regarding claim 7, hard disk is inherent from a storage device.

Regarding claims 8-13, 19-26, 29-32 and 35 contain the same subject matter as claims 1-7 and therefore are rejected on the same ground.

Claims 14, 15, 27, 28, 33 and 34 are rejected as best as the Examiner is able to ascertain under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Traw et al. (U.S. Patent No. 6,012,117) as applied to claim 1 above, and further in view of Kuver et al. (U.S. Patent No. 6,438,604).

Regarding claims 14, 15, 27, 28, 33 and 34, AAPA and Traw disclose all of the claimed subject matter as discussed above with respect to claim 1 including a cycle control (fig. 2, block 206, Traw) but do not expressly teach a range. However, Kuver discloses a network data packet receiving and transmitting method where depending on the range a packet is accepted or rejected (fig. 4D, items S451, S455-S458, Kuver). Hence, it would have been obvious to a person of ordinary skill at the time the invention was made to have utilized a range in the cycle control in AAPA and Traw system to restrict the quantity and flow of data as done by Kuver.

Response to Arguments

Applicant's arguments filed on June 16, 2003 have been fully considered but they are not persuasive. The arguments and responses are listed below.

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Applicant argues on page 9 of the 6/16/03 response that the AAPA does not teach the following:

receiving a packet of data;

adding a header to a received packet of data; and

storing the extended packet of data onto a media within the media storage device.

In response to Applicant's arguments, the Examiner disagrees. Regarding receiving a packet of data it is stated in the office action filed on 4/1/03 that AAPA alone does not teach that feature and thus the rejection relies on Traw for receiving packets of data (fig. 2, item 206, Traw). AAPA in view of Traw receive packets of data, add a header to a received packet of data (fig. 4A, items 68-71; *Headers added*, AAPA) and store the extended packet of data onto a media within the media storage device (fig. 2, items 24, 26, 28 and 30, AAPA).

Regarding independent claims 8, 19, 24 and 30, they contain the same subject matter as claims 1-7 and are therefore rejected on the same ground.

Examiner makes note that Kuver system used to reject claims 14 and 15 and the related claims respectively for transmitting a packet of data depending on range (fig. 4D, Kuver) also teaches adding and removing received data headers (claim 14, Kuver).

With respect to all the pending claims 1-15 and 19-35, Examiner respectfully traverses Applicant's assertion based on the discussion cited above, as such, Examiner maintains the same rejections.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156. The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MF
October 6, 2003


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100